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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,421	01/12/2001	John E. Cronin	UV-O1	2320

7590 08/13/2004

Attention: Ryan K. Simmons, Esq.
IPCapitalGroup, Inc.
Suite 325
400 Cornerstone Drive
Williston, VT 05495

EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,421

Applicant(s)

CRONIN, JOHN E.

Examiner

Mark Fadok

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 30-38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 1/29/2004, which was received on 4/28/2004 along with a supplemental dated 5/25/2004. Acknowledgment is made to the amendment to claims 1 and 18 and the addition of new claims 30-38, leaving claims 1-38 as pending in the application. The amendment and arguments have been carefully considered, but were not found to be persuasive. Therefore, the previous rejection modified as necessitated by amendment is provided below:

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Election/Restrictions

Newly submitted claims 30-38 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The new claims provide the additional featured capability to market to a

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plurality of businesses or distributors, while the former claims are drawn to marketing a single business.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 30-38 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Official Notice

A “traverse” is a denial of an opposing party’s allegations of fact. The Examiner respectfully submits that applicants’ arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants’ arguments and comments as constituting a traverse, applicants’ arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner’s action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner’s notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

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If applicant does not seasonably traverse the well-known statement during examination, then the object of the well-known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin (US 6,338,050) in view of Official Notice.

In regards to claim 1, Conklin discloses a method for providing information to a least one potential customer from an individual business owner, said individual business owner belonging to a group of many business owners (abstract), the method comprising:

setting up a web-site on a server (FIG 1b),

said web-site being accessed via a network by using a group uniform resource locator (URL) address (FIG 1B, Community website, col 19, lines 38-55), and

comprising business information being common to said group of many business owners (col 32, lines 8-15), and

customized information being customized to said individual business owner (claim 50);

Conklin teaches providing a community URL for searching sponsored members, but does not specifically mention that the sponsor site is supplying collateral material such as business cards and the like. It was old and well known at the time of the invention to provide business cards to individuals common to a website and provide access to that website to gather general information (examples include, Mary Kay cosmetics, Amway, Thomas Register, ect). It would have been obvious to a person having ordinary skill in the art to include in Conklin, providing collateral materials with a community URL, because this would offer another way for the sponsor community to market their participants.

Applicant may argue that the location of Conklin's sites is not necessarily on the same server location and therefore Conklin teaches away from the invention. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place all the websites on a common server, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

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said collateral material comprising said group URL referring to said web-site (FIG 29, community website), and a first unique site code corresponding to said individual business owner. Conklin teaches providing links (unique site code) from a community website to direct the buyer to a sellers website (FIG 29 and applicants response dated 4/22/2004, page 11 paragraph 11)), but does not specifically mention entering site codes into an input field, but uses superior technology to get to the website that is more user friendly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to physically enter a site code rather than clicking on a hyperlink which applicant admits is superior technology to get to the website that is more user friendly, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. *In re Karlson*, 136 USPQ 184.;

accessing said web-site by said at least one potential customer using said group URL (FIG 29);

inputting said first unique site-code to an input field of said web-site by said at least one potential customer so as to access said customized information of said individual business owner (FIG 29, SO6 and discussion above); and

accessing said customized information to said individual business owner by said at least one potential customer (FIG 31a).

In regards to claim 2, Conklin teaches wherein said web-site comprises a common group website,

said common group web-site comprising said business information being common to said group of many business owners (Abstract, buyers and sellers having similar interests).

In regards to claim 3, Conklin teaches wherein said web-site further comprises a customized individual business owner web-site,

said customized individual business owner web-site containing said information customized to said individual business owner information (FIG 31a).

In regards to claim 4, Conklin teaches wherein said first unique site-code comprises an individual business referral name (FIG 14).

In regards to claim 5, Conklin teaches wherein said first unique site-code comprises a sequence of alphanumeric characters ((FIG 14).

In regards to claim 6, Conklin teaches wherein said group web-site further comprises proprietary information, and

said individual business owner can access said proprietary information by inputting a second unique site-code (FIG 1N, Unique Ids).

In regards to claim 7, Conklin teaches wherein said second unique site-code comprises an individual business name (FIG 4b).

In regards to claim 8, Conklin teaches wherein said second unique site-code comprises a sequence of alphanumeric characters (FIG 4b).

In regards to claim 9, Conklin teaches wherein said collateral material comprises an email address (FIG 29, SO8).

In regards to claim 2, Conklin teaches an email address, but does not specifically mention that the email address is an alias. It was old and well known

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at the time of the invention to supply disguised email addresses to buyers. It would have been obvious to a person of ordinary skill in the art to include in Conklin, alias email addresses, because this would permit companies to review and decide if they wish to bid without having the buyer recognize who is not bidding, thus saving the company time by not having to respond to a bid they are not interested in bidding on.

In regards to claims 11-13, Conklin teaches the use of the system in an Internet, intranet and private network (col 26, lines 42-55)

In regards to claim 14, Conklin teaches wherein said group comprises more than one individual business owner,

each individual business owner having a corresponding customized individual business owner web-site (col 30, lines 7-16).

In regards to claim 15, Conklin teaches wherein said customized web-site comprises information customized to said individual business owner (FIG 31a).

In regards to claim 16, Conklin teaches after setting up said web-site, providing customized information customized to said individual business owner to said web-site FIG 10-1 through 10-3).

In regards to claim 17, Conklin teaches wherein, said providing of customized information customized to said individual business owner comprises:

providing a data table,

said data table comprises at least two records,

each record comprising a plurality of fields;

inputting into said plurality of fields said at least first unique site code and data comprising customized information to said individual business owner; programming executable software code to access said data table and one of said at least two records by inputting said first unique site-code, and retrieving said customized information; and storing said data table and said executable software code on said server (FIG 10-1 through 10-3).

In response to claims 18-29, these claims are considered parallel claims of claims 1-17 above and are rejected for the same reasons provided above.

Response to Arguments

Applicant's arguments filed 4/28 and 5/25/2004 have been fully considered but they are not persuasive in view of the above rejection necessitated by amendment.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant argues that Conklin does not teach entering site codes into an input field, but uses superior technology to get to the website that is more user friendly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to physically enter a site code rather than clicking on a hyperlink, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. *In re Karlson*, 136 USPQ 184.

In regards to claim 18, applicant argues that Conklin does not teach a host computer comprising a group web-site common to said group of many business owners, an individual owner's website. Applicant states that Conklin's sites are not necessarily on the same server location (page 11, third paragraph) and that therefore Conklin teaches away from the invention. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place all the websites on a common server location, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vincent Millin** can be reached on **(703) 308-1065**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

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(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

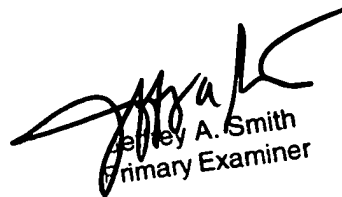
(703) 746-7206 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451
Crystal Drive, Arlington, VA, 7th floor receptionist.



Mark Fadok

Patent Examiner



Jeffrey A. Smith
Primary Examiner